

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
Plaintiff,) 8:12CR135
vs.) ORDER
CHRISTA EVANS,)
ESTANISLAO LUIS RIVERA, and)
GREGORIO SMITH,)
Defendants.)

This matter is before the court on the motion for an extension of time by defendant Estanislao Luis Rivera (Rivera) (Filing No. 36). Rivera seeks until July 17, 2012, in which to file pretrial motions in accordance with the progression order. Rivera's counsel represents that Rivera will file an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Rivera's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted, and the pretrial motion deadline will be extended as to all defendants.

IT IS ORDERED:

Defendant Rivera's motion for an extension of time (Filing No. 36) is granted. **All defendants** are given until **on or before July 17, 2012**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **May 17, 2012, and July 17, 2012**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 17th day of May, 2012.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge